

LEON COUNTY, FLORIDA DIRECTIVE

Re: Coordination of Legal Authority regarding Down Payment Assistance Loans

Date: _____, 2018

WHEREAS, the Housing Finance Authority of Leon County, Florida (“HFA”) and Leon County, Florida (“County”) previously entered into an Interlocal Agreement (“Interlocal Agreement”) concerning coordination and collaboration of affordable housing efforts between the parties; and

WHEREAS, the Interlocal Agreement addressed the management, transfer, and ownership of funds recaptured from existing down payment assistance agreement loans (“DPA Loans”) previously granted by the HFA; and

WHEREAS, the Interlocal Agreement segregated the DPA Loans into two groups: the "Exhibit B DPA Loans" described in Exhibit B to the Interlocal Agreement, which shall run to the benefit of the County, and the "Exhibit C DPA Loans" described in Exhibit C to the Interlocal Agreement, which shall run to the benefit of the HFA; and

WHEREAS, foreclosure litigation or other matters may arise in situations where the HFA has granted an Exhibit C DPA Loan and has a lien on the property subject to such Exhibit B DPA Loan, thereby requiring the HFA to protect its interests; and

WHEREAS, the County wishes to issue this Directive concerning legal and other actions involving Exhibit C DPA Loans.

1. The HFA's legal counsel shall be responsible for representing and responding to any litigation concerning the Exhibit C DPA Loans. The County agrees to provide immediate notice of any legal action with respect thereto of which the County becomes aware, and to execute any documentation reasonably requested by the HFA to protect the HFA interest in such Exhibit C DPA Loans.
2. Except as aforesaid, the County will take no legal or other action with respect to Exhibit C DPA Loans. Any payments received by the County with respect to Exhibit C DPA Loans will be transferred immediately to the HFA.

DONE AND ADOPTED by Leon County, Florida this ____ day of _____,
2018.

LEON COUNTY, FLORIDA

Chairman, Board of County Commissioners